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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,427	11/30/2001	Roberto L. Quoiani	FMCE-P073	5491

7590 03/26/2003

Henry C. Query, Jr.  
504 S. Pierce Avenue  
Wheaton, IL 60187

EXAMINER

PICKARD, ALISON K

ART UNIT	PAPER NUMBER
3676	

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/010,427

Applicant(s)

QUOIANI, ROBERTO L.

Examiner

Alison K. Pickard

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

/ 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-13, 16, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Flaherty (4,445,694).

Flaherty discloses a metallic seal component 1 comprising a shape memory alloy that exhibits super-elastic properties. The seal component comprises a spring and a u-shaped sealing element/ring 4. The element 4 has a ridge (at 4) that sealingly contacts a sealing surface. The component is chilled, and when it heats up (to say ambient conditions) it is energized to its sealing state and generates sealing contact forces. The component is considered bi-metallic in that there are two metal parts 1 and 4 forming the component.

3. Claims 1-3, 5-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain Patent 1,299,819.

GB '819 discloses a metallic seal component comprising a shape memory alloy that exhibits super-elastic properties. The component comprises a u-shaped sealing element/ring 4 having a sealing ridge 20 that makes sealing contact with a sealing surface (e.g. see Fig. 2). Item 1 is considered an energizing mandrel in that it contacts the component to form a seal. Similarly, mandrel 5 (see Fig. 4) energizes or activates a seal between component 10 and surface of 6. The seal enabling state is effected by heating or cooling. Component 10 is tubular.

4. Claims 1, 2, 5-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Krumme (4,773,680).

Krumme discloses a metallic seal component comprising a shape memory alloy that exhibits super-elastic properties. The component comprises a u-shaped sealing element/ring (e.g. Fig. 1) or a tubular cross-section (e.g. Fig. 8d). The component is bi-metallic 28/26. The component is changed to an energized sealing state by heating or cooling.

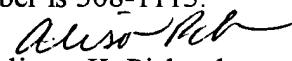
***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 703-305-0882. The examiner can normally be reached on M-F (9-6:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-8729327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

  
Alison K. Pickard  
Examiner  
Art Unit 3676

AP  
March 23, 2003